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ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

Note by the Secretary-General

The Secretary-General has the honour to refer to the letter dated 25 September 1992 from the Permanent Representatives of Bosnia and Herzegovina and Croatia to the United Nations addressed to him (A/47/474) and to state that separate letters in reply dated 29 September 1992 were addressed to said Permanent Representatives by the Under-Secretary-General for Legal Affairs, the Legal Counsel (see annex).

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ANNEX

Letter dated 29 September 1992 from the Under-Secretary-General, the Legal Counsel, addressed to the Permanent Representatives of Bosnia and Herzegovina and Croatia to the United Nations

On behalf of the Secretary-General, I would like to acknowledge receipt of your letter to him dated 25 September 1992 by which you raised a number of questions arising from the adoption by the General Assembly of resolution 47/1 of 22 September 1992.

As you know, by resolution 47/1 of 22 September 1992 entitled "Recommendation of the Security Council of 19 September 1992", the General Assembly considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations and decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly. General Assembly resolution 47/1 deals with a membership issue which is not foreseen in the Charter of the United Nations, namely, the consequences for purposes of membership in the United Nations of the disintegration of a Member State on which there is no agreement among the immediate successors of that State or among the membership of the Organization at large. This explains the fact that resolution 47/1 was not adopted pursuant to Article 5 (suspension) of the Charter nor under Article 6 (expulsion). The resolution makes no reference either to those Articles or to the criteria contained in those Articles.

While the General Assembly has stated unequivocally that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot automatically continue the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations and that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations, the only practical consequence that the resolution draws is that the Federal Republic of Yugoslavia (Serbia and Montenegro) shall not participate in the work of the General Assembly. It is clear, therefore, that representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) can no longer participate in the work of the General Assembly, its subsidiary organs, nor conferences and meetings convened by it.

On the other hand, the resolution neither terminates nor suspends Yugoslavia's membership in the Organization. Consequently, the seat and nameplate remain as before, but in Assembly bodies representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot sit behind the sign "Yugoslavia". Yugoslav missions at United Nations Headquarters and offices may continue to function and may receive and circulate documents. At Headquarters, the Secretariat will continue to fly the flag of the old Yugoslavia as it is the last flag of Yugoslavia used by the Secretariat. The resolution does not take away the right of Yugoslavia to participate in the

work of organs other than Assembly bodies. The admission to the United Nations of a new Yugoslavia under Article 4 of the Charter will terminate the situation created by resolution 47/1.

The above represents the considered view of the United Nations Secretariat regarding the practical consequences of the adoption by the General Assembly of resolution 47/1.